

Date: Fri, 12 Mar 93 04:30:21 PST
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V93 #63
To: Ham-Policy

Ham-Policy Digest Fri, 12 Mar 93 Volume 93 : Issue 63

Today's Topics:

 public apology
 public apology part II
 Uniden reply comments on FCC scanner ban (docket 93-01)

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Problems you can't solve otherwise to brian@ucsd.edu.

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We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: Tue, 09 Mar 93 21:29:30 GMT
From: ftpbox!mothost!binford!mcdchg!tellab5!balr!ttd.teradyne.com!
news@uunet.uu.net
Subject: public apology
To: ham-policy@ucsd.edu

In article <1n5j45\$1t8@hamblin.math.byu.edu>, tatsuya@sofya.math.byu.edu writes:
> I have gotten in trouble with a local Ham company. I did not mean it but ...
> Anyhow, the company is not happy with what I said on the air. They demand the
> apology for what I did. So, I am going to do it. As matter of a fact, I am
> sending a letter to the company as I speak.
> I am afriad about losing the lisencc. The comanany said that a letter was
> satisfactory for the thing I said on the air. However, I am not sure what FCC
> might do to me. Any Suggestion?
>
>
> tatsuya

It's Highly Unlikely that the FCC would take any interest at all in anything
you said over the air unless it specifically violates an FCC regulation. While

a third party might be able to file a charge of Libel or Slander in a civil court over some statement you made, the FCC could care less.

If this "Ham Company" has made statements to you that they could in some way have your License 'revoked', they are 'blowing smoke'. Pretty thin smoke at that.

Not knowing what you said, it's hard to judge, but if you made a statement of 'opinion' like "That company is bad to do business with because", it's probably not even actionable in a court of law. They would have to prove that you were specifically, maliciously, spreading lies about the company, and that's not easy to do.

My opinion only
John Rice K9IJ

Date: Thu, 11 Mar 1993 19:50:08 GMT
From: usc!elroy.jpl.nasa.gov!sdd.hp.com!hpscit.sc.hp.com!hplextra!hpfcso!
perry@network.UCSD.EDU
Subject: public apology part II
To: ham-policy@ucsd.edu

> when I call them back the very next business day, they are mad...
> 'cause using public air to accuse someone....

In America, we can stand up and say whatever they want. The method (using public airwaves) is irrelevant. Libel is an outright lie told to financially hurt someone. Libel is very difficult to prove because you have to prove that the person actually knew it to be a lie and it was done with malice.

The store owner's use of intimidation to suppress your 1st Amendment rights really upsets me. Judging from the response, it also upsets a lot of other hams.

I would tell the store owner to either fix my radio to my satisfaction or I will continue to report the facts about the shoddy service and threats I have received.

Better yet, show him this note string.

Perry / AA0ET

Date: Thu, 11 Mar 93 19:15:40 GMT
From: walter!porthos!dancer!whs70@uunet.uu.net
Subject: Uniden reply comments on FCC scanner ban (docket 93-01)
To: ham-policy@ucsd.edu

The following is the Uniden reply comments on the FCC scanner/cellular coverage NPRM. Note especially the mention of SWB Mobile and another entities request for similar frequency "blockage" for other services. The floodgates have been opened!!!

Note also the section dealing with "converters." The converter ban will (IMHO) have a direct impact on 900mhz transverter availability for the ham bands as (I believe) it is all but impossible to design a 900mhz transverter for hams that isn't easily modified for reception of 800mhz cell phone. In fact, I'd bet that any transverter will be broad enough in frequency coverage at 900mhz that the possibility of using it unaltered to "convert" 800 mhz to a receivable scanner input frequency is probable.

PLEASE, while I posted this to both the policy and misc. newsgroups, reply ONLY to the rec.radio.amateur.policy to confine any policy discussion to that appropriate newsgroup.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of)	
)	
Amendment of Parts 2 and 15 to)	ET Docket No. 93-1
Prohibit Marketing of Radio Scanners)	
Capable of Intercepting Cellular)	
Telephone Conversations)	

REPLY COMMENTS OF
UNIDEN AMERICA CORPORATION

INTRODUCTION

1. Uniden America Corporation (hereinafter "Uniden") respectfully submits its reply comments to the above captioned NOTICE OF PROPOSED RULE MAKING ("NPRM").

DISCUSSION

2. Uniden has read all comments contained in the

Commission's Record Image Processing System as of February 23, 1993. Although many commentors addressed whether or not the proposed NPRM met the objectives of "increas[ing] the privacy protection of cellular telephone users...", generally most commentors supported the proposals of the Commission. Some of the supporting commentors had some parochial exceptions or inclusions, which we will address.

3. Southwestern Bell Mobile Systems ("SBMS") in its comments proposed that "the Commission should act now to include in these amended rules proscription on scanners that tune frequencies allocated to the Personal Communication Services that will be effective as soon as that allocation is made." In a similar proposal, Fleet Call, Inc. ("Fleet Call") stated "the Commission should expand the applicability of its proposals to prohibit scanners capable of tuning the frequencies allocated to the SMR service." In the Telephone Disclosure and Dispute Resolution Act ("Act") Pub. L 102-556, the scope is limited to the domestic cellular radio telecommunications service. Uniden strongly objects to any attempt to broaden the restrictions beyond those detailed in the Act, itself. To do so could set a dangerous precedent by restricting the reception of frequency ranges which have been historically and widely accepted as our fundamental right to monitor. In our comments, we did not address the merits of the Act with regard to the congressional mandate to the Commission. However, we believe that both SBMS and Fleet Call are proposing that the Commission establish restrictions well beyond the mandate of the Act. Uniden urges the Commission not to act favorably on these requests.

4. The Cellular Telecommunications Industry Association ("CTIA") has proposed a definition of "readily altered" which is overly restrictive, burdensome, and not required to accomplish the purposes of the Act. There is no way to make an electronic device totally tamperproof with regards to restricting the interception of cellular telephone frequencies, or any other frequency. A case in point is the cellular telephone itself. If a technically competent individual wants to modify a device to listen to other telephone calls, what unit would be better suited for this purpose? Some of the early cellular telephones were even able to monitor communications when programed by the actual user. Therefore, in this area we continue to support the NPRM as written in the belief that it strikes a balance and reasonably accomplishes the requirements of the Act, without overly restricting manufacturers in the production of scanners for legitimate uses.

5. The Harris Corporation ("Harris") wishes an exemption to the proposed restrictions because they manufacture a device that purposefully intercepts cellular communications which is "expressly designed for law enforcement and cellular security uses." In their comments, Harris also offered additional wording to the proposed Section 15.121 which details their requested exemption. Uniden supports Harris in this endeavor and joins them in making this request.

6. The comments of Grove Enterprises, Inc. imply that the Commission has overstepped its authority by including frequency converters in the scope of this proceeding. It should be noted that frequency converters can be used with certain scanners in order to extend the coverage to include the cellular frequencies. Therefore, Uniden supports the wording in the NPRM that states that "[t]o allow such converters to be marketed would be inconsistent with the intent of the Act." Moreover, in our comments, we requested the Commission to require that frequency converters used with scanners that tune in the 800 MHz to 900 MHz band be authorized under the provisions of certification rather than notification. The application for equipment authorization for certification contains more demonstrable exhibits than the simpler notification procedure.

CONCLUSION

7. Uniden reiterates its support of the Commission's proposal. As stated in its comments, the only exception to the NPRM as written is with the provisions for frequency converters as mentioned above as well as in our original comment.

Respectfully submitted

/signature/

James R. Haynes
Chief Engineer

UNIDEN AMERICA CORPORATION
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CERTIFICATE OF SERVICE

I, James R. Haynes, hereby certify that copies of the foregoing "Reply Comments" in Gen Docket No. 93-1 were mailed first-class, postage prepaid, to the following on this 5th day of March 1993.

/signature/

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Standard Disclaimer- Any opinions, etc. are mine and NOT my employer's.

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End of Ham-Policy Digest V93 #63
